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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
David Sidransky) Group Art Unit: 1655
Serial No. 09/164,764) Examiner: J. Souaya
) Box AF
Filing Date: October 1, 1998) Docket No. 01107.76459

For: **DETECTION OF HYPERMUTABLE NUCLEIC ACID SEQUENCE IN TISSUE
AND BODY FLUIDS**

AMENDMENT AFTER FINAL REJECTION 05/09/2002 PZIMMERM 00000006 190733 09164764

Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

This amendment is filed in response to the Office Action mailed February 4, 2002. Claims 23-32 and 34-45 are currently pending. Claims 24-28, 34, 37, 38, and 42 are rejected. Claims 23, 29-32, 35-36, 39-41, and 43-45 are indicated as allowable over the prior art. We believe no fees are due to make this amendment timely filed. The fee for one additional independent claim is included herewith. If any additional fee is due, please charge our Deposit Account No. 19-0733.

IN THE CLAIMS

23. (Thrice Amended) A method for detecting lung cancer in a sputum specimen, comprising the step of:

testing a plurality of microsatellite markers in the specimen to determine a microsatellite marker length alteration relative to a control sample, wherein a microsatellite marker length alteration in the specimen relative to the control sample indicates the presence of a cancer in a

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